

Entered - 12/05/02 - sb  
CL02L0869 - DIANNE C. MITCHELL

CLAIM OF: **ROBERT H. DAVIS d/b/a  
RHD SERVICES, INC.  
630 10<sup>th</sup> Street, NW  
Atlanta, Georgia 30318**

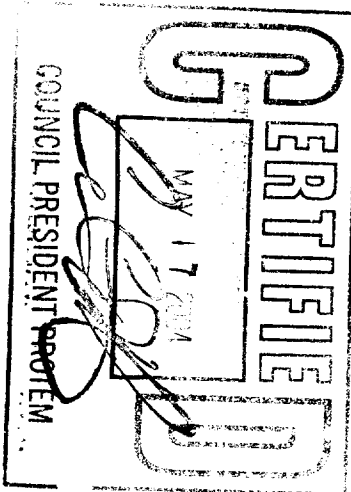
04-R -0841

For damages alleged to have been sustained as a result of flooding on  
September 21, 2002 at 630 10<sup>th</sup> Street, NW.

THIS ADVERSED REPORT IS APPROVED

BY:

  
**JERRY L. DELOACH  
DEPUTY CITY ATTORNEY**



## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 5/11/04

CHAIR: C. T. Martin

H. S. Smith

Carla Smith

**ADVERSED**

MAY 17 2004



## OFFICE OF MUNICIPAL CLERK

May 24, 2004

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

Robert H. Davis d/b/a  
RHD Services, Inc.  
630 10th Street, NW  
Atlanta, GA 30318

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

04-R-0841

Dear Mr. Davis:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on May 17, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: **Claims Division/Law Department**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0869

Date: April 28, 2004

Claimant /Victim ROBERT H. DAVIS d/b/a RHD SERVICES, INC.

BY: (Atty) \_\_\_\_\_

Address: 630 10<sup>th</sup> Street, NW, Atlanta, Georgia 30318

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 37,152.57 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 12/02/02 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 09/21/02 Place: 630 10<sup>th</sup> Street, NW

Department Watershed Management Bureau: Storm Water

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges his property was damaged due to flooding. The investigation determined that the area of the claimant's property that was damaged is located in a low lying area and that the flooding was due to a heavy volume of rainfall. Furthermore, an inspection by the Department of Watershed Management indicates that there are no problems with the storm water system at this location. The City is immune from liability as set forth in O.C.G.A. §36-33-1.

### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures X Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_

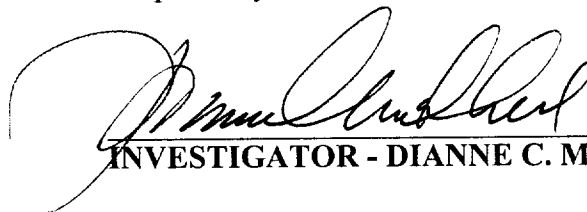
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

### RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_ 2P01 \_\_\_\_\_

Claims Manager: [Signature] Concur/date 04/28/04

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 5712  
5/17/04  
2:10 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 1-13 EXCEPT:04-R-0876  
04-R-0911 04-R-0835 04-R-0882  
ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 0  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Winslow	Y Shook	Y Martin	Y Norwood
Y Starnes	Y Archibong	Y Muller	B Maddox	Y Willis
Y Young	Y Fauver	Y Moore	Y Mitchell	

CONSENT I

3-01-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT
1. 04-O-0858 2. 04-O-0869 3. 04-O-0372 4. 04-O-0373 5. 04-O-0641 6. 04-O-0642 7. 04-O-0646 8. 04-O-0648 9. 04-O-0650 10. 04-O-0652 11. 04-O-0653 12. 04-O-0656 13. 04-O-0657 14. 04-O-0874 15. 04-O-0488 16. 04-O-0700 17. 04-O-0872 18. 04-O-0660 19. 04-O-0661 20. 04-O-0873 21. 03-R-2228 22. 04-R-0805 23. 04-R-0806 24. 04-R-0808 25. 04-R-0809 26. 04-R-0822 27. 04-R-0859 28. 04-R-0882 29. 04-R-0889 30. 04-R-0369 31. 04-R-0870 32. 04-R-0876 33. 04-R-0815 34. 04-R-0847 35. 04-R-0862 36. 04-R-0863 37. 04-R-0821 38. 04-R-0807 39. 04-R-0811 40. 04-R-0812	41. 04-R-0813 42. 04-R-0865 43. 04-R-0824 44. 04-R-0825 45. 04-R-0826 46. 04-R-0827 47. 04-R-0828 <b>ITEMS ADVERSED ON CONSENT</b> 48. 04-R-0829 49. 04-R-0830 50. 04-R-0831 51. 04-R-0832 52. 04-R-0833 53. 04-R-0834 54. 04-R-0836 55. 04-R-0837 56. 04-R-0838 57. 04-R-0839 58. 04-R-0840 <b>59.</b> 04-R-0841 60. 04-R-0842 61. 04-R-0843 62. 04-R-0844 63. 04-R-0845 64. 04-R-0846